



MIAMI BEACH

OFFICE OF THE CITY ATTORNEY

RAUL J. AGUILA, CITY ATTORNEY

LETTER TO COMMISSION

LTC# 165-2015

TO: Mayor Philip Levine and Members of the City Commission

**CC: Jimmy Morales, City Manager
Rafael E. Granado, City Clerk**

FROM: Raul J. Aguila, City Attorney

DATE: April 21, 2015

SUBJECT: Ethics Training Course Information Regarding State Mandatory Ethics Requirements for City's Elected Officials

This is a follow-up with regard to my prior LTC dated January 22, 2015 (LTC #33-2015) regarding the State mandated ethics training for the City's elected officials. (Please see attached Exhibit "A"). For your information, this is to advise that two "live" ethics courses, which will meet the minimum requirements for the annual ethics training required of elected officials, will be held as follows (Please see attached Exhibit "B"):

**Friday, May 15, 2015
City of Miami Police College Auditorium
350 NW 2nd Avenue
Miami, FL 33128
10:00 a.m. to 4:00 p.m.**

and

**Friday, July 17, 2015
City of Miami Gardens Council Chambers
18605 N.W. 27th Avenue
Miami Gardens, FL 33056
10:00 a.m. to 3:00 p.m.**

For a listing of available free **online** tutorials, go to State of Florida Commission on Ethics at: <http://www.ethics.state.fl.us>, and click on "training" on the left side of page.

Elected officials currently in office must complete the annual training on or before December 31, 2015.

Reporting completed training: Beginning with the financial disclosure forms that are due July 1, 2016, there will be a check box on Form 1 for Municipal Elected Officials to certify that they have completed the required training in 2015.

Should you have any questions, please do not hesitate to contact me.



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RAUL J. AGUILA, CITY ATTORNEY

LETTER TO COMMISSION

#033-2014

TO: Mayor Philip Levine and Members of the City Commission

CC: Jimmy Morales, City Manager
Rafael Granado, City Clerk

FROM: Raul J. Aguila, City Attorney *[Signature]*

DATE: January 22, 2015

SUBJECT: Mandatory Ethics Training for City's Elected Officials

Consistent with my prior communications to the Mayor and City Commission, effective January 1, 2015, municipal elected officials in the State of Florida are required to comply with State mandatory ethics training requirements. Inasmuch as the Miami-Dade County Code imposes additional ethics training requirements upon the City's elected officials, I have prepared this memo for purposes of clarifying these applicable ethics training requirements¹

I. Miami-Dade County Ethics Training:

Pursuant to Miami-Dade County Code section 2-11.1(bb), the City's elected officials must:

- Execute an affidavit, on a form prepared by the Ethics Commission, stating that he or she has read the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance and agrees to comply with the provisions of said ordinance, and shall file the required affidavit with the Ethics Commission prior to being sworn into office; and
- Within ninety (90) days after being sworn into office, submit to the Clerk of the Board a certificate of completion of an ethics course offered by the Miami-Dade County Commission on Ethics and Public Trust ("Ethics Course").

Accordingly, the Mayor and City Commissioners must within 90 days from their respective inductions into office complete the County Ethics Commission's ethics course, and have their certificates of completion filed with the City Clerk. **Inasmuch**

¹ Note: The County and State laws referenced herein mandate ethics training for the City's elected officials, and do not mandate such training for the City's employees or appointed officials

as City Commission members completed the County's ethics training in 2014, this County Code requirement has been satisfied and no further County ethics training is required during your existing terms of office².

II. State of Florida Ethics Training:

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Unlike the above County Code law that requires mandatory ethics training to be taken only once during a City Commission member's term of office, the Mayor and City Commissioners must take the State ethics training every year³ during a Commission member's term. Specifically, pursuant to Florida Statute 112.3142, (2)(b), municipal elected officers must:

- Annually complete 4 hours of ethics training on the topics of **State Ethics laws** (s. 8, Art. II of the State Constitution and Chapter 112, Fla. Stats), **Public Records laws** (Chapter 119, Fla. Stats.) and **Public Meetings laws** (Chapter 286, Fla. Stats.); and
- Certify on their annual statement of financial disclosure that they have completed the State-required ethics training⁴.

The Statute does not require that the ethics training be provided from any particular source (unlike the County law which requires the County Ethics Commission to provide the training) or that the required 4 hours of training consist of any particular combination of training⁵. So long as the required subjects are covered⁶, the State's requirement may be satisfied by completion of a continuing legal education class or other continuing professional education class, seminar, or presentation (whether via live attendance or webinar), and that any knowledgeable person or entity (other than the reporting City Commission member⁷) may provide the training⁸.

² Since the County Code requires that its required ethics training be completed "...within 90 days after being sworn into office", upon completion of his/her present term of office on the City Commission, any incumbent member of the City Commission who in the future is reelected and/or appointed to the City Commission must retake the COE ethics course for any such subsequent term(s).

³ Pursuant to Florida Statute 112.3142(d): "...An elected municipal officer assuming a new office or new term of office on or before March 31 must complete the annual training on or before December 31 of the year in which the term of office began. An elected municipal officer assuming a new office or new term of office after March 31 is not required to complete ethics training for the calendar year in which the term of office began."

⁴ As an elected municipal officer you are required by s. 8, Art. II of the State Constitution to annually file COE Form 1 "Statement of Financial Interests" for disclosure of your preceding year's financial interests--accordingly, your certification of having completed the 2015 State ethics training will be reflected on your 2016 Form 1, ad infinitum. (Form 1 available at: <http://www.ethics.state.fl.us/FORMS/Form%201%202014i.pdf>)

⁵ See, *State COE 13-24*.

⁶ Note: A Commission member's prior training on the required topics may be used towards the required 4 hours only if the prior training was completed in same calendar year as the subject reporting period (i.e., training during 2014 may not be used to satisfy the 4 hour training requirement for the 2015 reporting year); moreover, a 50-minute "hour" will satisfy one hour of the training requirement, whether it is a Bar Continuing Legal Education for attorneys or is other training for attorney or non-attorney municipal officer.

⁷ "...[T]he requirement [can] not be satisfied by a self-directed learning program consisting of the

For a listing of available online tutorials, go to State of Florida Commission on Ethics at: <http://www.ethics.state.fl.us>, and click on "training" on the left side of page⁹. Of course, I remain available to consult with you concerning your annual course selection in order to ensure compliance with the State's ethics training requirement.

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official's review of materials he-or-she selects independently. By using the term 'training' the statute contemplates education which is provided by persons proficient in the subject matter, rather than self-study." COE 13-24

⁸ The County Ethics Commission may in the future offer annual 4 hour training to satisfy this State requirement--upon confirmation of such training I will advise the Mayor and Commissioners.

⁹ Note that the first course listed entitled: "Code of Ethics for Public Officers and Employees, and the Public Records and Public Meetings Laws" addresses the State Ethics Code, as well as the public records and public meetings laws of this state--this course, taken with one of the other ethics courses listed on the COE website, will satisfy the required 4 hours of ethics training

State & Local **Ethics Training Course**

Pursuant to Florida Statute Section 112.3142 that went into effect on January 1, 2015 **all elected municipal officers must complete 4 hours of ethics training annually** that addresses a minimum of:

- Article II, Section 8 of the Florida Constitution
- Part III, Chapter 112 Florida Statutes (code of Ethics)
- Public Records
- Public Meeting (Sunshine Law)

On
Friday, May 15, 2015
City of Miami Police College Auditorium
350 NW 2nd Ave
Miami, FL 33128
From 10:00 a.m. to 4:00 p.m.

Course Instructors:

Sonja K. Dickens, Esq.
City Attorney, City of Miami Gardens
Victoria Mendez, Esq.
City Attorney, City of Miami
Hans Ottinot, Esq.
City Attorney, City of Sunny Isles Beach
Robert Meyers, Esq.
Weiss Serota Helfman Cole & Bierman

For those that need to meet the County ethics requirements, Joseph Centorino, Esq. will be providing the course from 2:00 p.m. to 4:00 p.m.

RSVP Today by contacting the League office via
e-mail or phone.

Courses are free of charge. MUST RSVP.

O: (305) 416-4155

mdclc@bellsouth.net

Another Course is scheduled on Friday, July 17, 2015 at the City of Miami Gardens Council Chambers, 18605 NW 27th Ave, Miami Gardens, FL 33056 from 10:00 a.m. to 3:00 p.m.